

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

Conservatorship of the Person of  
JOANNE H.

SAN DIEGO COUNTY HEALTH AND  
HUMAN SERVICES AGENCY,

Petitioner and Respondent,

v.

JOANNE H.,

Objector and Appellant.

D055648

(Super. Ct. No. MH103857)

APPEAL from an order of the Superior Court of San Diego County, Frederick Maguire, Judge. Affirmed.

INTRODUCTION

Joanne H. appeals from an order establishing a one-year conservatorship of her person under the Lanterman-Petris-Short Act (LPS Act). (Welf. & Inst. Code,<sup>1</sup> § 5000 et

---

<sup>1</sup> All section references herein are to the Welfare & Institutions Code, unless otherwise indicated.

seq.). She contends there is insufficient evidence to support the court's finding she is gravely disabled within the meaning of the LPS Act. We affirm the order.

### BACKGROUND

Joanne is a 49-year old African-American suffering from paranoid schizophrenia, obesity, hypertension, and hyperlipidema. She also requires treatment for diabetes. Joanne's mental illness dates back to at least 1995 and has resulted in numerous psychiatric hospitalizations. She also has had three prior LPS Act conservatorships: May 2000 through March 2001, March 2002 through July 2002, and August 2006 through September 2006.

Among the manifestations of her illness, when Joanne was 37 years old, and again at the age of 43, she attempted suicide by overdosing on two different drugs. In January 2006, the police took her into custody under section 5150<sup>2</sup> because she believed that the people at the facility where she was staying were injecting her with something to make her skin brown, that she was being beaten, and that her psychiatrist was trying to poison her.

In July 2006, the police again took her into custody under section 5150 after she called 911 and stated she was having a nervous breakdown and planned to drown herself in Mission Bay. In addition, she continued to believe someone was injecting her with

---

<sup>2</sup> Section 5150 states, "When any person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer . . . may upon probable cause, take, or cause to be taken, the person into custody and place him or her in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation."

something to make her skin brown. She also claimed she was being repeatedly raped and her doctor would not do anything about it.

In late April 2009, Joanne was admitted to the University of California, San Diego Medical Center (UCSD Medical Center) for psychiatric stabilization. Earlier the same month, she received similar services from two other hospitals.

Her admission to UCSD Medical Center occurred after she phoned 911 and claimed people were trying to harm her. Specifically, she claimed she had been stabbed twice, her coffee had been poisoned with arsenic, and the police and ambulance drivers she called to help her left after she bribed them with money. She also complained that people at the board and care facility where she had been staying had given her a nose job, lengthened her forehead, dyed her hair gray, poisoned her food, dragged her around, and raped her.

Records from her stay at UCSD Medical Center indicate she exhibited "psychotic symptoms of severely disorganized behavior and thought processes, multiple delusions of a persecutory and somatic nature, paranoid ideation, and auditory hallucinations." She also exhibited anxiety and suicidal ideation. Staff observed her yelling at unseen others multiple times, and she continued to claim that people at the board and care where she had been staying had grayed her hair and performed surgery on her to make her nose bigger. She also claimed she was being raped every night and needed treatment for gonorrhea and syphilis. Because she kept using the patients' phone to call the operator to report the rapes, she was limited to supervised phone calls.

In early May 2009, Dr. Allison Hadley, an attending physician at UCSD Medical Center, recommended a conservatorship for Joanne. Dr. Hadley stated that Joanne's mental condition prevented her from being able to provide for food because, "She believes all foods and drinks are poison. She drank her own urine." Dr. Hadley further stated Joanne's mental condition prevented her from being able to provide for shelter because "she believes that all men are raping her. She is too paranoid to stay in housing. She calls 911 or leaves housing continuously." In a companion declaration, Dr. Hadley stated she believes Joanne is unable to provide for her food and shelter needs because she "has severe delusions that she is being raped, that people are harming her, . . . [and] that the food is poisoned. Due to severe paranoia, she has been unable to maintain shelter and nutrition in a board and care setting."

Joanne acknowledged to a court investigator investigating Dr. Hadley's recommendation that she has been in at least eight board and care facilities. She claimed people at all of them poisoned her, performed forced surgery on her, and repeatedly raped her. Joanne's case manager reported to the investigator that Joanne has been extremely challenging to manage in a community placement. Although Joanne will agree to remain at a board and care facility, she subsequently becomes paranoid after she is placed in one and flees.

After receiving and reviewing Dr. Hadley's recommendation, the Office of the Public Conservator within the San Diego County Health and Human Services Agency (Agency) filed a petition to establish a conservatorship over Joanne. Approximately a month later, the court conducted a hearing to determine whether Joanne was "gravely

disabled." Dr. Melissa Lorang, a psychiatrist who treated Joanne at UCSD Medical Center and evaluated her on the day of the hearing, confirmed Joanne has paranoid schizophrenia. The main symptoms of Joanne's illness are that "[s]he has very prominent delusions, mostly of a persecutory nature." More particularly, she consistently states that she is pregnant, that she has been raped by doctors in the multiple psychiatric hospitals and at board and care facilities where she has stayed, and that she has sexually transmitted diseases. She also consistently states that the people at the board and care facilities poisoned her food and performed surgery upon her against her will. None of these allegations is true.

According to Dr. Lorang, Joanne's delusions are long-standing and the only time her symptoms improved significantly was in 2006, when she was prescribed Clozaril and treated for several months in a long-term, locked psychiatric facility.<sup>3</sup> Once she was released from the facility, she stopped taking the medication and her delusions returned.

When asked how Joanne's mental illness affected Joanne's ability to provide herself with food and shelter, Dr. Lorang testified the biggest concern for Joanne is shelter. She has been unable to maintain a crisis house or board and care placement because each time she is discharged to such a facility, she begins hallucinating so badly about being raped and poisoned that she has to be returned to a psychiatric hospital.

---

<sup>3</sup> While the petition was pending, a hearing was scheduled to obtain court approval to treat Joanne with Clozaril without her consent. (*Riese v. St. Mary's Hospital & Medical Center* (1987) 209 Cal.App.3d 1303, 1320) It is not clear from the record whether the hearing occurred or whether Joanne is again being treated with this medication.

During Dr. Lorang's testimony, Joanne interjected twice to repeat her accusations of being raped and poisoned. Joanne also repeated these accusations during her own testimony. More particularly, when asked what happened at her last board and care placement, Joanne testified the people at the facility poisoned her coffee with arsenic. In addition, when asked whether she thought there was another board and care facility where this would not happen, Joanne testified that she did, but she was not able to specifically identify the facility. Instead, she began testifying nonsensically about needing greater access to her money so she could dye her hair black again and fix the surgical alterations that had been made to her face.

Based on Dr. Lorang's testimony and the documentary evidence submitted by the Agency, the court found Joanne was gravely disabled and could not provide herself with shelter, food, and clothing. The court then appointed a conservator of Joanne's person and imposed associated legal disabilities upon her.

## DISCUSSION

### I

The LPS Act "governs the involuntary treatment of the mentally ill in California" and "authorizes the appointment of a conservator for up to one year for a person determined to be gravely disabled as a result of a mental disorder and unable or unwilling to accept voluntary treatment." (*Conservatorship of Susan T.* (1994) 8 Cal.4th 1005, 1008, 1009.) A person is "gravely disabled" under the LPS Act if the person, "as a result of a mental disorder, is unable to provide for his or her basic personal needs for food, clothing, or shelter." (§ 5008, subd. (h)(1)(A).) "The party seeking imposition of the

conservatorship must prove the proposed conservatee's grave disability beyond a reasonable doubt." (*Conservatorship of Susan T.*, *supra*, at p. 1009.)

Joanne contends there is insufficient evidence to support the court's finding she is gravely disabled because there is insufficient evidence to show her mental illness prevents her from providing herself with shelter and food.<sup>4</sup> When reviewing challenges to the sufficiency of the evidence, we examine "the whole record in the light most favorable to the judgment below to determine whether it discloses substantial evidence — that is, evidence which is reasonable, credible, and of solid value — such that a reasonable trier of fact could find [grave disability] beyond a reasonable doubt." (*People v. Johnson* (1980) 26 Cal.3d 557, 578; *Conservatorship of Walker* (1989) 206 Cal.App.3d 1572, 1577.)

In this case, we have no trouble concluding there is substantial evidence to support the court's grave disability finding as Dr. Lorang testified Joanne could not provide herself with shelter because her long-standing delusions of being poisoned, raped, and surgically battered prevented her from maintaining a crisis house or board and care facility placement. The testimony of a single witness is sufficient to support a court's grave disability finding. (*Conservatorship of Johnson* (1991) 235 Cal.App.3d 693, 697.) Moreover, Dr. Lorang's testimony is fully supported by the documentary evidence in the record, including Dr. Hadley's recommendation for a conservatorship and her companion

---

<sup>4</sup> Although Joanne expressed dissatisfaction with her clothing at the hearing on the petition, the evidence shows and the parties do not dispute she has been able to adequately clothe herself despite her mental illness.

declaration as well as the conservatorship investigation report prepared by the court investigator. Dr. Lorang's testimony is also fully supported by Joanne's statements and testimony at the hearing, in which she repeated the very delusions of concern to Dr. Lorang.

Contrary to Joanne's assertions, the fact that she has managed to obtain emergency psychiatric treatment when her board and care placements have failed does not show she is able to provide shelter for herself. Nothing in the record suggests, much less demonstrates, Joanne has ever voluntarily sought emergency psychiatric treatment in an effort to provide herself with shelter or to meet her other basic needs. Rather, the record indicates Joanne has received emergency psychiatric treatment only when her delusions and other symptoms have brought her to the attention of those operating community mental health safety nets. If we were to conclude a person's unintentional receipt of emergency psychiatric treatment is sufficient to show the person is able to provide shelter for herself or meet her other basic needs, then no proposed conservatee would ever be found gravely disabled. (Cf. *Conservatorship of Law* (1988) 202 Cal.App.3d 1336, 1341.) Moreover, we simply find no logic in the argument that, because a person can call for help, even if the person does so indirectly and unconventionally, we must necessarily conclude she does not need it.

## II

Because a finding of grave disability can be predicated on a mentally ill person's inability to provide herself with food, clothing, *or* shelter (§ 5008, subd. (h)(1)(A)), and because we have concluded there is sufficient evidence to show Joanne's mental illness



prevents her from providing herself with shelter, we need not address Joanne's argument that her obesity belies any finding she is unable to provide herself with food.

Nonetheless, we note that Joanne's diagnosed medical conditions, including her obesity, are commonly known to require careful attention to food choices. We further note there is evidence in the record from Dr. Hadley's conservatorship recommendation that Joanne's mental illness, specifically her delusions of being poisoned, have negatively influenced her food choices by prompting her, at least once, to drink her own urine.

#### DISPOSITION

The order is affirmed.

---

McCONNELL, P. J.

WE CONCUR:

---

BENKE, J.

---

IRION, J.